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In re Application of:	:	
AROSSI, Abdelwahab, et al.	:	
U.S. Application No.: 10/527,444	:	DECISION ON PETITION TO
PCT No.: PCT/GB03/03919	:	WITHDRAW HOLDING OF
International Filing Date: 09 September 2003	:	ABANDONMENT AND
Priority Date: 09 September 2002	:	RENEWED PETITION UNDER
Attorney's Docket No.: 6817-A-1	:	37 CFR 1.47(a)
For: FLOW HOMOGENISER	:	

This decision is issued in response to applicants' "Petition To Withdraw Holding Of Abandonment" filed 27 September 2006 and "Renewed Petition Under 37 CFR 1.47(a)" filed 11 July 2006. No petition fees are required.

**BACKGROUND**

The procedural background for this application was discussed in the decision mailed herein on 11 April 2006. That decision dismissed applicants' original petition under 37 CFR 1.47(a) for failure to satisfy all requirements of a grantable petition. Specifically, applicants had failed to provide an adequate showing that the non-signing inventors refuse to execute the application or cannot be reached after diligent effort. The decision provided applicants with a two-month response deadline, with extensions of time available under 37 CFR 1.136(a).

On 11 July 2006, applicants filed the Renewed Petition Under 37 CFR 1.47(a) considered herein, accompanied by a petition requesting a one-month extension of time (the extension petition authorized a charge to Deposit Account No. 03-0088 for the required extension fee).

On 24 August 2006, the DO/EO/US mailed a "Notice Of Abandonment" indicating that the application was abandoned for failure to file a timely response to the decision mailed on 11 April 2006.

On 27 September 2006, applicants filed the Petition To Withdraw Holding Of Abandonment considered herein, accompanied by a copy of the materials filed on 11 July 2006 and the electronic "Acknowledgement Receipt" for the 11 July 2006 filing. The petition asserts that, based on applicants timely response to the previous decision, the holding of abandonment was improper.

### DISCUSSION

#### 1. Petition To Withdraw Holding Of Abandonment:

As discussed above, a review of the application file confirms applicants 11 July 2006 filing of a renewed petition in response to the 11 April 2006 decision. This renewed petition included a petition for the required one-month extension of time. Based on the one-month extension, the renewed petition filed 11 July 2006 is considered a timely response to the decision mailed on 11 April 2006.

The Notification Of Abandonment mailed 24 August 2006, based as it was on applicants' purported failure to file a timely response to the 11 April 2006 decision, is therefore appropriately vacated.

#### 2. Renewed Petition Under 37 CFR 1.47(a):

The renewed petition includes materials confirming that a request for signature, accompanied by a copy of the complete application papers, was delivered to the two non-signing inventors and that the inventors did not return the signed declaration, as requested. These materials, in combination with the original petition materials, provide the required showing that the non-signing inventors have refused to sign the application papers.

### CONCLUSION

The Petition To Withdraw Holding Of Abandonment filed 27 September 2006 is **GRANTED**.

The Notice Of Abandonment mailed 24 August 2006 is hereby **VACATED**.

The Renewed Petition Under 37 CFR 1.47(a) filed 11 July 2006 is **GRANTED**. The application is accepted without the signature of non-signing inventors Faycal BAHRI and Mohamed MENACER.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventors of the application will be forwarded to the non-signing inventors at their last-known addresses, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 October 2005.



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